

House Study Bill 208

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON PAULSEN)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to an action to quiet title of real property and
2 the doctrine of adverse possession.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1931HC 81
5 rh/sh/8

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1 1 Section 1. NEW SECTION. 649.9 ADVERSE POSSESSION ACTION.
1 2 1. In an action to quiet title based upon the doctrine of
1 3 adverse possession, a party claiming title shall prove by a
1 4 preponderance of the evidence that the adverse possessor has
1 5 been in hostile, actual, open, exclusive, and continuous
1 6 possession of the real property under either claim of right or
1 7 color of title for at least ten years and that the adverse
1 8 possessor has paid the property taxes assessed on the real
1 9 property for such a period.

1 10 2. For purposes of this section, "claim of right" means
1 11 the actual occupation, use, and improvement of the property by
1 12 the adverse possessor in such a manner as to put the
1 13 titleholder of the real property on notice as to the adverse
1 14 possessor's claim for possession of the real property.

1 15 Sec. 2. APPLICABILITY DATE. This Act applies only to an
1 16 action to quiet title based upon the doctrine of adverse
1 17 possession commenced on or after the effective date of this
1 18 Act.

EXPLANATION

1 19 This bill relates to an action to quiet title of real
1 20 property and the doctrine of adverse possession.

1 21 The bill provides that, in an action to quiet title based
1 22 upon the doctrine of adverse possession, a party claiming
1 23 title shall prove by a preponderance of the evidence that the
1 24 adverse possessor has been in hostile, actual, open,
1 25 exclusive, and continuous possession of the real property
1 26 under either claim of right or color of title for at least 10
1 27 years and that the adverse possessor has paid the property
1 28 taxes assessed on the real property for such a period. For
1 29 the purposes of this bill, "claim of right" means the actual
1 30 occupation, use, and improvement of the property by the
1 31 adverse possessor in such a manner as to put the titleholder
1 32 of the real property on notice as to the adverse possessor's
1 33 claim for possession of the real property.

1 34 The bill applies only to an action to quiet title based
2 1 upon the doctrine of adverse possession commenced on or after
2 2 the effective date of the bill.

2 3 LSB 1931HC 81
2 4 rh:rj/sh/8